Court No.2

Writ Petition No. 727 (M/B) of 2002

Sher Singh …….. Petitioner.

Versus

District Panchayat Raj Officer,
Hardwar and others .... Respondents.

……

Hon'ble P.C. Verma, J.
Hon'ble Irshad Hussain, J.

This writ petition has been filed by the petitioner challenging the order dated 17.10.2002 passed by the District Panchayat Raj Officer, Hardwar to convene a meeting for holding no confidence motion.

According to the learned counsel for the petitioner, notice was not duly signed by the 2/3rd members of the Gram Panchayat. On scrutiny of facts stated in the writ petition, it does not reveal that any statement on oath has been made by the petitioner to this effect that the notice has not been signed by not less than half of the members. A perusal of the impugned order shows that the presentation of the notice was in accordance with law. Notice was duly signed. In absence of any statement made on oath in the writ petition saying that the notice was not signed by less than half of the members, the order of the D.P.R.O. is bad. The presumption goes in favour of the order passed by the officer in exercise of the powers under Rule 33 framed under the Panchayat Raj Act. Since the writ petition lacks material statement of facts, therefore, we are not inclined to interfere in the impugned order.

The petition is dismissed accordingly.

(Irshad Hussain, J.) **(P.C. Verma, J.)**

31.10.2002.
P. Singh